



On Taqlīd ¹

Imām Tāqīyuddīn al-Subkī

Translated by Sidi Abu Hasan

Released by www.marifah.net 1428 H

Thus it has been established by the majority of scholars that he who opposes the *ijmā`* (consensus) is a disbeliever; It is among the conditions for a *muftī* that he shouldn't issue a *fatwā* that contradicts the consensus of earlier scholars. And if he does so, his verdict is rejected and it is disallowed to quote him [such a scholar who opposes the *ijmā`*] and the Qur'ān and the Sunnah of the Prophet ﷺ bear evidence that it is not permitted to oppose the *ijmā`*. Allāh ﷻ has said:

***“And he who has defied the Messenger after the truth has been manifest and follows a path other than that of Muslims, We shall cast him into hell and what a bad place it is to be in!”* ²**

When the dissent from the path of Muslims and treading a path contrary to theirs invites such wrath [due to dissent from the way of Muslims] can his word be reliable anymore? It is said, that the general public can be broadly classified into two kinds: the *mujtahid* scholar who is able to derive rules and solve questions by the book [Qur'ān] and the Sunnah; and the *muqallid*, the follower of the knowledgeable.

The job of the *mujtahid* is that when he encounters a problem he should derive the answer from the *adilla* (evidences) of Sharī'ah and the job of the common man is to follow the scholars opinion. It is not right for a *non-mujtahid* to abandon acting upon the words of scholars even if he encounters a verse or a Hadīth [seeming to contradict the scholar's opinion]. Even though he finds their opinion contradicting the Hadīth or Ayah [outwardly], yet [the *mujtahid* scholar has] a document that compels them to say so. And Allāh ﷻ has said:

***“Ask ye of the people who know if you don't know.”* ³**

¹ This article has been translated from his book, *al-durrat al-mudīyya fī radd ibni taymīyya* [waqf ikhlas edition]

² Qur'ān, Sūrat al-Nisā 4:115

³ Qur'ān, Sūrat al-Nahl 16:43 & Sūrat al-Anbiya 21:7

He ﷺ has also said:

“And if they were to turn towards the Messenger and the men of authority amongst them, verily they wouldst have known the right thing derived by them.” ⁴

There is no need for further explanation of this Ayah. The purpose is to demonstrate that for a *non-mujtahid* scholar it isn't permissible to derive rules directly from the *nass* (text-source). The commoner is obviously not permitted either; if he encounters an Ayah and in it there seems to be *ām* (a general rule) or *mutlaq* (absolute rule) he should never consider it so by himself unless verified by the scholars. Neither should he act upon its being generic or absolute unless he has sufficient knowledge of the *nāsikh wal-mansūkh* (abrogating and abrogated verses); the knowledge of verses which are *ām* (general) and the *khāss* (specific); knowledge of the *mutlaq* (absolute) and the *muqayyad* (dependent); the *mujmil* (concise) and the *mubayyin* (elaborate); and the *haqīqa* (literal) and the *majāz* (figurative).

Suppose a commoner takes the verse of Qur'ān,

“... and all those women who are your bondmaids,” ⁵

and generalizes it to be permissible to cohabit with two sisters who are his bondmaids, he is obviously mistaken. Because, if he had considered the verse,

“... [it is Haraam] for you to keep two sisters at the same time,” ⁶

he would have seen that the general rule here is not to cohabit with two sisters at the same time either as bondmaids or as wives. Now, if one is confused as to which verse he should take and supersede the other, he must know that Sayyiduna `Uthmān t has said:

“If a verse permits something and another prohibits, the one that prohibits is given preference”.

If he had heard this he would have known that he should act on that which forbids. There are many other reasons why he should act on one and not the other, which the scholars know but it should be known that a commoner is not capable of deriving rules absolutely from the original sources.



⁴ Qur'ān, Sūrat al-Nisā 4:83

⁵ Qur'ān, Sūrat al-Ma`ārij 70:30

⁶ Qur'ān, Sūrat al-Nisā 4:23